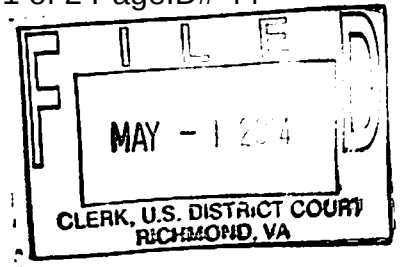


IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division



KYLE DELANO SMITH,

Plaintiff,

v.

DEPARTMENT OF CORRECTIONS
SUSSEX I STATE PRISON,

Defendant.

Civil Action No. 3:14CV58-HEH

MEMORANDUM OPINION
(Dismissing Action Without Prejudice)

On February 21, 2014, the Court conditionally docketed Plaintiff's action.


Plaintiff requested leave to proceed *in forma pauperis*. By Memorandum Order entered on April 9, 2014, the Court directed Plaintiff to pay an initial partial filing fee of \$9.71 or state under penalty of perjury that he did not have sufficient assets to pay such a fee within eleven (11) days of the date of entry thereof. *See* 28 U.S.C. § 1915(b)(1).

Plaintiff has neither paid the initial partial filing fee nor averred that he cannot pay such a fee. Therefore, Plaintiff is not entitled to proceed *in forma pauperis*. Plaintiff's disregard of the Court's directives warrants dismissal of the action. Accordingly, the action will be dismissed without prejudice.

The Clerk is directed to send a copy of the Memorandum Opinion to Plaintiff.

It is so ORDERED.

Date: Apr. 130, 2014
Richmond, Virginia


_____/s/
HENRY E. HUDSON
UNITED STATES DISTRICT JUDGE